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SUBJECT: HAITI: PARTIAL SENATE ELECTIONS NOW OVER, LESPWA
WINS BIG

REF: PORT-AU-PRINCE 419

Classified By: Charge d'Affaires a.i. Thomas C. Tighe, for
reasons 1.4 (b) and (d)

11. (SBU) Summary: With the results of Haiti's partial Senate elections now final, the pro-government party Lespwa won six of the eleven seats being contested, which will give them 13 out of 29 Senate seats. A controversial appeals decision to reverse the initial result in the South Department in favor of a Lespwa candidate sparked violence in which one person was killed. Political party criticism of the electoral authority's (CEP) handling of the vote counting is mounting, along with threats to block the seating of the Senators-elect. Infighting within CEP ranks is emerging, with the CEP's vice-president accusing the CEP President of pressuring the election appeals authority to rule in favor of the Lespwa candidate in the South Department. A special commission on the April 19 election day disturbances that caused cancellation of the voting in the Center Department recommended that four candidates be barred and others prosecuted for violence and voting fraud. No date has been set for re-running elections in the Center. The future of the next legislative elections -- for the remaining two-thirds of the Senate, the entire Chamber of Deputies and local government officials -- remains unclear. End summary.

APPEALS HEARD AND DECIDED: LESPWA GAINS A MAJORITY

12. (SBU) Final results of eleven appeals filed by candidates were announced July 18 by the Provisional Electoral Council (CEP). Candidates filed appeals in six out of nine departments: West, Artibonite, Grand Anse, South, Southeast and Northeast. No appeals were filed in the North, Northeast and Nippes Departments. Three cases were appealed to the National Appeals Board (BCEN), the final arbitrator, requesting a recount of ballots at certain voting centers.

13. (SBU) The pro-government Lespwa coalition won six out of the eleven Senate seats being contested. If the Senate votes to seat the new members, this would give Lespwa 13 of 29 seats in the new Senate, a net gain of six. Other parties scored smaller gains: Fusion of Haitian Social Democrats (Fusion) gained one seat, bringing their total to four; the Struggling People's Organization (OPL) registered a gain of one seat, bringing them to three; and the Haiti in Action (AAA) party of Senator Yourie Latortue posted a gain of one seat, for a total of two. A small party, KONBA, which currently has no representative in the Senate won a single seat, as did an Independent candidate in the Artibonite Department.

FINAL RESULTS: REACTION SWIFT AND CRITICAL

14. (SBU) The National Appeals Board's (BCEN) decision to reverse the initial results announced June 29 in the South Department -- in favor of Lespwa candidate Francky Exius -- prompted violence in the southern city of Les Cayes on July 20, where supporters of UCAADE candidate Joseph Benoit Laguerre erected barricades of burning tires and burned a vehicle in front of CEP headquarters. A truck driver was killed by protestors after attempting to cross one of the barricades.

15. (SBU) The BCEN -- the final arbiter of election appeals -- after a review of appeals brought by both South Department candidates, ruled that 400 votes had erroneously been credited to Laguerre. Exius initially trailed UCAADE candidate Joseph Benoit Laguerre by 300 votes after the second round vote count. Exius, a former Lavalas partisan who defected to Lespwa when Lavalas picked someone else to run, was declared the final winner, depriving UCAADE of its chance to gain its first Senate seat.

16. (SBU) The CEP drew accusations of political bias from opposition parties and some legislators for reversing the earlier result. OPL and Alliance party leaders criticized the CEP for 'bowing to political pressure' in revising the initial vote count. In an open letter to CEP President Frantz-Gerard Verret released to the press July 21, CEP Vice President Rodol Pierre, a UCAADE leader accused of using CEP resources to campaign for party candidates, accused Verret of

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rigging results in favor of Exius. Pierre denounced the results as anti-democratic, called for a review by a special commission of inquiry, and chided the CEP for not respecting the voice of the people. Pierre, in an apparent criticism of President Preval, argued that Verret bowed to 'external pressure.' He also warned that if the ruling in favor of Lespwa stands, the public will have no confidence that the CEP can objectively organize the next set of elections. CEP councilors responded to Pierre by giving him 24 hours to withdraw his accusation against Verret or face removal from the CEP.

17. (SBU) OPL representatives claimed there were serious electoral irregularities and threatened to boycott Parliament if the CEP does not conduct a further review of final results in certain departments. Fusion party President Victor Benoit told the media July 22 that the 'scandal' at the CEP threatens the credibility of the institution and called on President Preval to postpone promulgation of the final list by publication in the official journal Le Moniteur. Fusion also demanded that an independent commission investigate the overall electoral process. Senate President Kely Bastien the same day qualified the OPL boycott a 'disproportionate' measure that could make the Senate inoperable and provoke a political crisis.

SENATE CONFIRMATION: TO SEAT OR NOT TO SEAT

18. (C) Most observers predict that the Senate will vote to seat the winners, despite some senators' recent threats to boycott the vote and prevent the Senate from attaining a quorum. Yves Cristalin, a Fanmi Lavalas moderate and counselor to President Rene Preval, told Poloffs July 13 that he expected the new senators to be confirmed easily. Most major parties have members among the newly elected senators, he said, meaning that sitting senators would probably agree to seat their newest colleagues. Senate Secretary General Ariel Joseph told Poloffs July 15 that at most two senators -- Jean Hector Anacacis (Lespwa) and Rudy Heriveaux (Lavalas) -- would boycott the vote, expressing confidence that two other potential holdouts -- Evaliere Beauplan (Pont) and Yvon

Buissereth (Lavalas) -- would not block the accession of new senators.

¶9. (SBU) CEP Director General Pierre Louis Opont told Poloff July 14 that he expects the Senate to confirm the newly elected senators with no delay. Opont added that the Parliament is generally satisfied with the CEP's management of the appeals process. Presidential Commission on Justice Reform Coordinator (and Fusion spokesman) Micha Gaillard disagreed, telling Poloff on July 15 that he foresaw problems with Senate confirmation. The Senate will not be in a hurry to confirm the newly elected, he said; the elections were not well organized and the people stayed home.

CONCLUSIONS ON CENTER DEPARTMENT VIOLENCE RELEASED

¶10. (U) A special commission established to investigate April 19 election violence in the Center Department recommended exclusion of four candidates from running for office, and the prosecution of others. The commission accused Center Department UCAADE candidate Wilot Joseph and several of his supporters of physically attacking and severely injuring several individuals in the town of Maissade (reftel) and recommended Joseph's exclusion as a candidate from future elections.

¶11. (U) The commission also recommended that Center candidates Rubens Saint-Germain (AAA), Emmanuel Gregory Chevy (Fusion) and Adher Marcelin (Lespwa) be barred from participating in future elections based on evidence that they, too, were guilty of election day violence. The report implicated Senators Edmonde Supplice Beauzile (Fusion) and Wilbert Jean Jacques (Lespwa) and Deputies Joel Louis (KONBA) and Herman Nau in election malfeasance and recommended that the Senate and Chamber of Deputies sanction them.

¶12. (U) The CEP has not yet issued an official response to the report. CEP Councilor Jacques Belzin announced July 21 that the CEP will meet the week of July 27 to decide on the commission's recommendations. CEP Director Pierre-Louis Opont told Poloff on July 14 that the CEP had no intention of

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holding a separate election for the Center Department.

THE FUTURE OF FUTURE ELECTIONS UNCLEAR

¶13. (SBU) Though CEP President Verret and DG Opont recently told donors that elections for two-thirds (20 seats) of the Senate and all of the Chamber of Deputies would be held in November 2009, Opont is privately doubtful. He explained privately to Poloff on July 14 that the new electoral law provides for a large increase, from 99 to 140, in the number of deputies in the lower house, due to the creation of additional communes. This will require redrawing of voting districts, which will take time. Since there exists no government entity that can map these new voting districts, this task will fall to the CEP. Opont predicted greater voter participation in the next elections since deputies are closer to 'the grassroots' and better known in their districts. Nevertheless, he thought the public would have to be better mobilized during the next set of elections, which would require additional resources. Opont thought that discussions of constitutional amendments -- following the presidential commission's July 10 submission of its report -- might also delay the next legislative elections.

COMMENT

¶14. (C) Although the accusations of political parties are shrill, there are questions as to the integrity of the electoral process. There was a significant amount of ballot-stuffing and/or tampering with tally sheets during the

second round. MINUSTAH Election Affairs section chief Marc Plum told us that because of the overall low voter turnout (10.9 percent overall, less than 3 percent in the West Department, the country's largest) the Tabulation Center "quarantined" all tally sheets that showed more than 200 valid votes. Their numbers were not included in the initial count, pending appeal by candidates. They were further examined only if the result in that department was appealed. A MINUSTAH examination of tally sheets in the hotly contested South Department showed that many of them had been tampered with. In some cases, an extra digit was added to many tally sheets to inflate the result for a particular candidate. The Embassy is not aware of how the BCEN decided these issues, including how they ultimately ruled on the questionable tally sheets.

¶15. (C) These Senate elections were characterized by an anemic campaign and widespread apathy. Political parties were unable to energize the population for a mid-term legislative election. Apathy in the capital of Port-au-Prince was striking: in many polling stations, the only persons to vote were the poll workers and party-linked poll watchers. They were often not paid unless they voted. Intimidation by Lavalas partisans was a secondary or tertiary factor. Although parties lacked the finances to mount meaningful campaigns, the public simply did not seem to care. A common explanation Embassy officers hear is that people stayed home because they have not experienced positive change from this government and did not expect voting to change this. Economic issues are supreme in voters' minds, and candidates were unable to translate this broad popular frustration into strong support for any candidate.

¶16. (C) Embassy believes that the National Palace exercised influence on this election in several ways. Preval's hand-picked CEP, especially CEP President Verret, appeared susceptible to Palace bidding. Reliable sources tell us the CEP admitted to MINUSTAH that they banned Fanmi Lavalas on Preval's instructions. To be sure, the split in Lespwa and Aristide's refusal to formally endorse any candidates played into the CEP's and Preval's hand. But there was ample precedent for allowing some Lavalas candidates to run. Furthermore, strong anecdotal evidence shows that Lespwa candidates received logistical support from local government officials, primarily in the form of vehicles.

¶17. (C) Technically, the election was well-organized, at a high cost (USD 16.5 million). MINUSTAH provided excellent logistical and security support. But massive organization assistance could not overcome voter apathy. Embassy will follow up on MINUSTAH efforts to analyze the election and will report separately.

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